UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/711,791 | 10/05/2004 | Rahul SRIVASTAVA | ORCL-006/OID-2004-061-01 | 5790 |

51121          7590          07/10/2008
LAW FIRM OF NAREN THAPPETA
C/o Landon-IP Inc.,
1700 Diagonal Road, Suite 450
Alexandria, VA 22314

| EXAMINER |
|---|
| BASHORE, WILLIAM L |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2175 | |

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|---|---|
| 07/10/2008 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | **Application No.** | **Applicant(s)** |
|---|---|---|
| **Office Action Summary** | 10/711,791 | SRIVASTAVA, RAHUL |
| | **Examiner** | **Art Unit** | |
| | WILLIAM L. BASHORE | 2175 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on _04 April 2008_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) _1-49_ is/are pending in the application.
 4a) Of the above claim(s) _32-40 and 46_ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-31,41-45 and 47-49_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All   b) ☐ Some * c) ☐ None of:
  1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. _____.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)          **Office Action Summary**          Part of Paper No./Mail Date 20080707

## DETAILED ACTION


This action is responsive to communications: amendment filed 4/4/2008, to the original application filed

**10/5/2004**. IDS filed 12/7/2004, and 4/27/2006.

Claims 1-49 pending. Claims 48-49 have been added by Applicant. Claims 1, 12, 21, 32, 47, 49 are

independent.. Claims 32-40, 46 have been withdrawn by Applicant.


### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

The claimed invention (as claimed in claim 49) is directed to non-statutory subject matter.

**In regard to independent claim 49**, claim 49 recites in pertinent part "A digital processing system…".

However, the instant claim language does not specify that the claimed invention includes hardware. As such, the

language of the claim merely describes a computer program per se. This raises a question as to whether the claim is

directed merely to an abstract idea that is not tied to a technological art, environment or machine, which would result

in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter

under 35 USC 101.


### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set

forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if
> the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would
> have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

**Claims 1-9, 12-29, 41-45, 47-49 are rejected** under 35 U.S.C. 103(a) as being unpatentable over

Nielsen (hereinafter Nielsen) PG Pub 2004/0205567, in view of Cseri et al. (hereinafter Cseri), U.S. PG Pub.

No. US 2003/0046317 filed 4/19/2001.

 

      **In regard to independent claims 1, 12, 21, 47, 49**, Nielsen discloses a method of parsing a data file (an

XML markup language file) typically containing a plurality of data elements (tags, etc.) and typically parsed via a

parser (Nielsen Abstract).

      Nielsen discloses receiving an XML test file for analysis inasmuch as files of said type are typically

assigned file identifiers (i.e. a filename) so as to be identified by Nielsen's invention (Nielsen Abstract, paragraph

[0031]).

      Nielsen discloses parsing an XML file into a DOM tree, and each attribute or node in said tree is analyzed

accordingly, each said node reasonably interpreted as data elements (or portion identifiers) contained within a

plurality of data elements (nodes) (Nielsen paragraphs [0058], [0061], [0062]).

      Nielsen discloses determining a replacement for an element node, said replacement utilizing XPath for

replacing a portion of the document (i.e. a portion identifier) (Nielsen paragraphs [0052], [0062]).

      Nielsen discloses an "injection mechanism" whereby a node adder for adding a node to a "location" in a

DOM tree, specified by the location of the insertion (markup language) tags (Nielsen paragraph [0040]). It is

respectfully noted that a typical hierarchical tree (i.e. a DOM tree) will show nodes in relative position to one

another (see also Nielsen paragraphs [0050], [0069]).

      Nielsen discloses the above analysis and replacement methods conducted during runtime (using an

application) (Nielsen Abstract), therefore data (i.e. portion identifiers, data elements, etc.) are provided accordingly.

      Nielsen does not specifically teach an instruction to parse from an application implemented external to said

parser. However, Cseri teaches separation of an XML formatting module (transmitting device), and an XML parser

(receiving device) (see Cseri, at least Figures 2, 3A, 3B). It would have been obvious to one of ordinary skill in the

art at the time of the invention to apply Cseri to Nielsen, providing Nielsen the benefit of external parsing therefore

requiring less of Nielsen's own resources.

**In regard to dependent claims 2, 13, 22**, Nielsen discloses XPath (Nielsen paragraph [0052]).

**In regard to dependent claims 41-45**, Nielsen discloses parsing an XML file into a DOM tree, and each attribute or node in said tree is analyzed accordingly. (Nielsen paragraphs [0058], [0061], [0062]). It is noted that trees are typically traversed in node by node fashion. It is additionally noted that since a DOM tree is hierarchically based, portion identifiers are typically referenced based on a presented hierarchy in step-wise traversal.

**In regard to dependent claim 48**, Nielsen discloses parsing an XML file into a DOM tree, and each attribute or node in said tree is analyzed accordingly. (Nielsen paragraphs [0058], [0061], [0062]). It is noted that trees are typically traversed in node by node fashion. It is additionally noted that since a DOM tree is hierarchically based, a hierarchical path is present, originating at a root element. DOM trees are typically created and parsed in a top-down fashion (i.e. beginning of a file onward).

**In regard to dependent claim 3-5, 14-16, 23-25**, Nielsen does not specifically teach APIs, procedure calls, and event based parsers. However, Cseri teaches a method of incorporating binary formatting into XML utilizing parsing of an XML file into a DOM tree, along with XPath (Cseri Abstract, paragraph [0028]). Cseri teaches SAX, which is a simple API for XML, which is event based and typically comprising one or more procedure calls (Cseri paragraph [0028]). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Cseri to Nielsen, providing Nielsen the benefit of decreasing parsing time utilizing at least in part APIs, SAX, etc.

**In regard to dependent claims 6-9, 17-19, 26-29**, said claims incorporate substantially similar subject matter as claimed in claims 1, 3, 12, 14, 21, 23, and in further view of the following, is rejected along the same rationale.

Nielsen does not specifically teach object oriented parsing. However, Cseri teaches object oriented programming (Cseri paragraph [0157]). It would have been obvious to one of ordinary skill in the art at the time of

the invention to apply Cseri to Nielsen, providing Nielsen the benefit of object oriented programming for multiple

instantiation etc.

   Nielsen teaches a find request - an abbreviated version, and a get request - a non-abbreviated version of an

object (Nielsen paragraph [0045]).


**Claims 10-11, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen and Cseri**

**as applied to claims 3, 14, 23, 34 above, and further in view of Imamura et al. (hereinafter Imamura), U.S. PG**

**Pub. No. US 2004/0261019 filed 4/1/2004.**


   **In regard to dependent claims 10-11, 30-31,** Nielsen does not specifically teach push parsing. However,

Imamura teaches parsing in association with XPath and pushing (Imamura paragraph [0160]). It would have been

obvious to one of ordinary skill in the art at the time of the invention to apply Imamura to Nielsen, providing

Nielsen the benefit of pushing for more efficient parsing.



### *Response to Arguments*

   Applicant's arguments filed 4/4/2008 have been fully and carefully considered but they are not persuasive.

   Applicant argues that Nielsen concentrates on replacing nodes, pursuant to an XPath leading to another

node. The examiner respectfully disagrees. Nielsen is also capable of creating and adding nodes via XPath as well

(at least Nielsen paragraph [0040]). Nielsen will identify a node via an XPath portion identifier. Since the contents

identified are part of a DOM tree, locations are relative to one another in said DOM tree accordingly. The portion

identifier, and its related data elements are associated accordingly.

   Applicant additionally argues that the cited art of record does not teach an external parser. The examiner

respectfully disagrees. Nielsen does not specifically teach an instruction to parse from an application implemented

external to said parser. However, Cseri teaches separation of an XML formatting module (transmitting device), and

an XML parser (receiving device) (see Cseri, at least Figures 2, 3A, 3B).

*Conclusion*

**THIS ACTION IS MADE FINAL.**  Applicant is reminded of the extension of time policy as set forth in

37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the

mailing date of this action.  In the event a first reply is filed within TWO MONTHS of the mailing date of this final

action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period,

then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action.  In no event, however,

will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be

directed to WILLIAM L. BASHORE whose telephone number is (571)272-4088.  The examiner can normally be

reached on 9:00 am - 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William L.

Bashore can be reached on (571) 272-4088.  The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information

Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR

or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more

information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the

Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-

786-9199 (IN USA OR CANADA) or 571-272-1000.


/William L. Bashore/
Primary Examiner, Art Unit 2175